

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD DECEMBER 3, 2012 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Fetty, Langdale, Moore, Schmale, Tiemann
Absent: Councilmember Parde

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

2 – Consent Agenda

- d. Approval of minutes of regular meeting on November 19, 2012 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on November 26, 2012 as on file in the City Clerk's Office.

Moved by Fetty, seconded by Schmale, that Consent Agenda items d and e, be approved.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Schmale, Tiemann
Nay: None Motion carried.

Council Reorganization:

Moved by Fetty, seconded by Moore, that the Certificate of Election of the November 6, 2012, General Election, as certified by the County Clerk, be received and placed on file.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Schmale, Tiemann
Nay: None Motion carried.

Moved by Fetty, seconded by Langdale, that the following public officials bonds be received and placed on file: Councilmember Phil Cook, RLI Insurance Company; Councilmember Jason Moore, State Farm Insurance; Councilmember David Pede Catlin, Nationwide Mutual Insurance; and Councilmember Ted Fairbanks State Farm Insurance.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Schmale, Tiemann
Nay: None Motion carried.

Mayor Schuster presented plaques to out-going councilmembers Alan Fetty and Jason Schmale. Both were thankful for the opportunity to serve to be a part of making decisions for the advancement of the community as a whole.

City Clerk, Linda Koch, administered the Oath of Office to Councilmembers David Pede Catlin, Jason Moore, Phil Cook and Ted Fairbanks and Airport Authority board members Stan Meyer and Gene Searcey.

1 - Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Tiemann
Absent: Councilmember Parde

Election of Council President

Mayor Schuster asked for nominations for Council President. Councilmember Langdale nominated David Pede Catlin , nomination seconded by Carey.

Moved by Langdale, seconded by Moore, that the nominations cease and that David Pede Catlin be elected to serve as Council President.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Tiemann
Nay: None Motion carried.

2 - Consent Agenda

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of regular meeting on November 19, 2012 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on November 26, 2012 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Robert L Tiemann Construction in the amount of \$9,881.14
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$536,336.42
- g. Approval of BASWA Report of Claim in the amount of \$29,031.82.
- h. Receive and place on file claim release of Lisa Busboom.
- i. Resolution Number 5479 entering into a farm lease with Larry Delabar.
- j. Resolution Number 5480 reappointing Rev. David Cramer to the Beatrice Housing Authority.

Moved by Catlin, seconded by that the items listed under the consent agenda, with the exception of items d and e previously considered, and with the exception of item f(2), be approved, accepted and/or ratified as presented. Tiemann abstain from item f(1)

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Tiemann

Nay: None

Motion carried.

Moved by Catlin, seconded by Tiemann, to approve the balance of Treasurer's Report of Claims in the amount of \$536,336.42.

Councilmember Fairbanks requested clarification of a few claims. Police Chief, Bruce Lang, reported that the claim to Pawnee County Clerk was to reimburse for the SEADE officer assigned to the task force at this time; City Clerk, Linda Koch, explained the copier charges and City Administrator, Tobias Tempelmeyer, clarified that the lease payment in the Street fund was the annual payment for the street sweeper

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Tiemann

Nay: None

Motion carried.

3 - Public Hearings/Bids:

4- Resolutions:

- a. **Resolution Number 5478 entering into an agreement with the Beatrice Humane Society regarding services of animals impounded by the City.**

Mayor Schuster announced consideration of Resolution Number 5478 entering into an agreement with the Beatrice Humane Society regarding services of animals impounded by the City, action postponed from November 19th meeting.

Motion from previous meeting:

Moved by Fetty, seconded by Schmale, that Resolution Number 5478 be passed and adopted.

Mayor Schuster explained that the agreement had been discussed at the worksession and that John Rypma, representing the Humane Society, was present for any additional discussion. No further discussion held.

Roll Call: Yea: Carey, Catlin, Fairbanks, Langdale, Moore, Tiemann

Nay: None

Abstain: Cook

Motion carried.

Passed and adopted Resolution Number 5478.

b. Resolution to install a 30 minute loading and unloading stall on the north side of Court between 10th and 11th Streets.

Mayor Schuster introduced Resolution Number 5481 to install a 30 minute loading and unloading stall on the north side of Court between 10th and 11th Streets prohibiting parking along the south side of Court Street between 10th and 12th Streets.

Moved by Catlin, seconded by Moore, that Resolution Number 5481 be passed and adopted.

Police Chief Lang again reported on the committee's review of the request and the recommendation that the loading and unloading zone not be installed. Additional discussion was held regarding the request; whether moving the stall further west would help with site obstruction, however, the width of the street is still a concern, whether use of the alley would work, however, Mr. Cossel proposed that would not be an option, and discretion used by officers in enforcement of delivery trucks stopping to load and unload. Terry Cossel, 1020 Court, explained that it was his understanding he could stop to load and unload for 15 minutes, but he had been ticketed by an officer and if this discretion was not going to be allowed then he is requesting a formal loading and unloading zone. He also passed out pictures he had taken of the block showing his vehicle parked there. Further discussion was held that this could open up special requests for other stalls; that this stall would be for everyone to use and 30 minutes was too long, and whether limiting use to a less-busy time of day for the zone would work. Doug Corey, 1014 Court, spoke and felt it would be helpful if a stall was in place to load and unload and he would be for extending it further west in front of his place.

Moved by Fairbanks, seconded by Carey, to amend Resolution 5481 to install a 30 minute loading and unloading stall on the north side of Court Street, in the same location, on Monday through Saturday from 7:30 a.m. to 8:00 a.m.

Roll Call: Yea: Carey, Fairbanks, Tiemann
 Nay: Moore, Catlin, Langdale, Cook

Motion failed

Vote on original motion:

Roll Call: Yea: None.
 Nay: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Tiemann

Motion failed.

5– Ordinances:

a. Ordinance to amend sections of the City Code to adopt the International Building, Mechanical, Plumbing, Residential, Energy Conservation, Property Maintenance, Fuel Gas, and Existing Building Codes, 2009 Edition, published by ICC. First Reading.

Mayor Schuster introduced an ordinance to amend sections of the City Code to adopt the International Building, Mechanical, Plumbing, Residential, Energy Conservation, Property Maintenance, Fuel Gas, and Existing Building Codes, 2009 Edition, published by ICC.

Moved by Catlin, seconded by Cook, that said ordinance be given number 12-048, the title thereof approved, and said ordinance be read by title only one time tonight.

City Attorney, Greg Butcher, explained that current City Code adopts the 2003 version of the International Building Codes and this proposed ordinance will adopt the entire version of the 2009 codes, which now include Existing Building Code and Fuel Gas Code. Requirements of the 2009 code which have been removed include fire sprinkler systems for new one- and two-family homes, carbon monoxide detectors for new construction, and permits for replacement of water heaters. Building permit fees have been removed from the ordinance and will now be adopted by Resolution.

Steve Printy, Code Enforcement Officer, added that if a sprinkler system is installed then the code provisions would apply; and he felt the Fuel Gas is an important code to adopt. Discussion followed. The ordinance will be read over three meetings to allow for public input and contractor notification.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Tiemann
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 12-048 by title:

An ordinance to amend Sections 7-10, 7-11, 7-20, 7-21, 7-30, 7-31, 7-60, 7-61, 7-70, 7-71, 7-90, 7-91, and 7-317; to repeal Sections 7-12, 7-22, 7-92, 7-93, 11-1, 11-2, 11-3, 11-3.1, 11-3.2, 11-3.3, 11-3.4, 11-3.5, and 11-3.6; to adopt the *International Building Code*, 2009 Edition, published by the International Code Council with amendments; to adopt the *International Mechanical Code*, 2009 Edition, published by the International Code Council with amendments; to adopt the *International Plumbing Code*, 2009 Edition, published by the International Code Council with amendments; to adopt the *International Residential Code*, 2009 Edition, published by the International Code Council with amendments; to adopt the *International Energy Conservation Code*, 2009 Edition, published by the International Code Council with amendments; to adopt the *International Property Maintenance Code*, 2009 Edition, published by the International Code Council with amendments; to adopt the *International Fuel Gas Code*, 2009 Edition, published by the International Code Council with amendments; to adopt the *International Existing Building Code*, 2009 Edition, published by the International Code Council with amendments; to add Sections 7-7, 7-330, 7-331, 7-340, and 7-341 to the Beatrice City Code; to repeal all other conflicting ordinances or parts of ordinances; and to provide for publication in pamphlet form and an effective date of this ordinance.

6– Public Forum:

No one appeared at public forum.

7- Discussions/Reports:

8 –Miscellaneous:

The next regular council meeting is December 17, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room, and there will be no worksession in December.

Moved by Catlin, seconded by Langdale, that the meeting be adjourned at 8:28 p.m.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Tiemann
Nay: None

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster